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Intellectual Property Law

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August 30, 2004

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TO: Commissioner for Patents and
Trademarks

FROM: Hallie A. Finucane

ATTN: Examiner Vi X. Nguyen
Alexandria, VA 22313-1450

Applicant: Kuehn, et al.

Serial No.: 09/694293

Filed: October 23, 2000

Group Art Unit: 3731

Docket No.: 01610.0113-US-11

Title: MITRAL AND TRICUSPID VALVE REPAIR

Documents Transmitted:

This Facsimile Transmission Cover Sheet (1 page)

Response to Restriction Requirement (2 pages)

Please charge any fees or credit any overpayment to Deposit Account 50-1038.

Respectfully submitted,

Altera Law Group, LLC
Customer No. 22865

Date: August 30, 2004

By:



Hallie A. Finucane

Reg. No. 33,172

HAF/mar

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Serial No. 09/694293

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kuehn, et al.

Examiner: V. Nguyen

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Name of Person Signing This Certificate

Michele Read
Signature

RESPONSE TO RESTRICTION REQUIREMENTRECEIVED
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AUG 30 2004

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement dated July 30, 2004, Applicants hereby elect Species III (Figure 15g) with traverse. Election of species should be required prior to a search on the merits in all applications containing claims to a plurality of species with no generic claims. MPEP §808.01(a). The Examiner has stated that there is no generic claim. Further, a reasonable number of species may be claimed in one application. 37 C.F.R. §1.141. The Examiner has cited four species, which is a reasonable number of species in one application. Even though there have been four (4) office actions in this case, this is the first time the species election was raised. Since the Examiner has already examined this case on the merits, there should be no additional burden on the Examiner to continue the prosecution of the case without the

Page 1

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Response to Restriction Requirement

necessity of this species election. Applicants believe that at least claims 1, 3, 4, 5, 7, 8, 9 10, 11, 13, 18, 20, 23, 24, 25, 26, 28, 30, 31, 32, and 33 read on Species III.

Any questions regarding this communication should be directed to the undersigned attorney at (952) 253-4134.

Respectfully submitted,

Altera Law Group, LLC
Customer No. 22865

Date: August 30, 2004

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Hallie A. Finucane

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